

U.S. Patent Application Serial No. 10/663,697
Amendment filed February 24, 2006
Reply to OA dated January 12, 2006

REMARKS

Claims 4 - 12 remain in this patent application. Claims 1 - 3 have been canceled without prejudice or disclaimer.

Claims 4 and 12 have been amended in order to more particularly point out, and distinctly claim the subject matter to which the applicants regard as their invention. The applicants respectfully submit that no new matter has been added. It is believed that this Amendment is fully responsive to the Office Action dated January 12, 2006.

At the outset, the applicants thank the Examiner for indicating that claims 4 - 12 contain allowable subject matters, and would be allowable if rewritten in the manner suggested in item 9, page 6 of the outstanding Action.

However, claims 1 - 12 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 - 12 of co-pending application, U.S. Serial No. 10/663,696. The applicants respectfully request reconsideration of this rejection.

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As indicated above, claims 1 - 3 have been canceled without prejudice or disclaimer. Thus, the outstanding rejection of claims 1 - 3 is now moot. As to the remaining claims 4 - 12, the applicants submit herewith a Terminal Disclaimer in traversing the outstanding double patenting rejection. Accordingly, the withdrawal of the outstanding provisional rejection under the judicially created doctrine of obviousness-type double patenting based on claims 1 - 12 of co-pending application, U.S. Serial No. 10/663,696, is in order, and is therefore respectfully solicited.

Further, claim 2 is objected to under 37 CFR 1.75(c) as being an improper dependent form for failing to further limit the subject matter of a previous claim. The applicants respectfully request reconsideration of this rejection. In view of the applicants' cancellation of claim 2, the withdrawal of the outstanding objection under 37 CFR 1.75(c) is in order, and is therefore respectfully solicited.

Moreover, claims 1 and 2 are rejected under 35 U.S.C. §102(b) as being anticipated by Kawamura (U.S. Patent No. 5,812,511). Also, claim 3 is rejected under 35 U.S.C. §103(a) as being unpatentable over Kawamura in view of Inoue (U.S. Patent No. 6,665,255). The applicants respectfully request reconsideration of these rejections.

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The applicants disagree with the Examiner's positions. However, in order to help expedite the processing of this application to issuance, the applicants have canceled claims 1 - 3. Thus, the outstanding anticipation and obviousness rejections are now moot.

In view of the above, the withdrawal of the outstanding anticipation rejection under 35 U.S.C. §102(b) based on Kawamura (U.S. Patent No. 5,812,511) and obviousness rejection under 35 U.S.C. §103(a) based on Kawamura in view of Inoue (U.S. Patent No. 6,665,255) is in order, and is therefore respectfully solicited.

In view of the aforementioned amendments and accompanying remarks, claims, as amended, are in condition for allowance, which action, at an early date, is requested.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the applicants' undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

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In the event that this paper is not timely filed, the applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

ARMSTRONG, KRATZ, QUINTOS,
HANSON & BROOKS, LLP



Mel R. Quintos
Attorney for Applicants
Reg. No. 31,898

MRQ/lrj/_ipc

Atty. Docket No. **031156**
Suite 1000
1725 K Street, N.W.
Washington, D.C. 20006
(202) 659-2930



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